

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Civil Action No. 1:20-cv-1135

ANTHONY DIAL,

Plaintiff,

v.

ROBESON COUNTY and
ROBESON COUNTY
DEPARTMENT OF SOCIAL
SERVICES,

Defendants.

PETITION FOR REMOVAL

Defendants, ROBESON COUNTY and ROBESON COUNTY DEPARTMENT OF SOCIAL SERVICES (*hereinafter*, “Defendants”) by and through their undersigned attorneys, hereby petition this Court for the removal of this matter from the Superior Court of Guilford County, North Carolina, to the United States District Court for the Middle District of North Carolina. Defendants respectfully submit the following grounds in support of removal:

1. On November 12, 2020, Plaintiff filed a Complaint in the Superior Court of Guilford County, North Carolina, entitled *Anthony Dial*, Plaintiff, *v. Robeson County and Robeson County Department of Social Services*,

Defendants, Civil Action No. 20 CVS 8349. *See* Complaint, *attached as* Exhibit 1, and Summons, *attached as* Exhibit 2.

2. Defendants were served through Ms. Kellie Blue, the County Manager, on November 16, 2020. Pursuant to 28 U.S.C. § 1446(b)(1) and Rule 6 of the Federal Rules of Civil Procedure, Defendants have 30 days from the date of service to remove this matter, up to and including December 16, 2020. Accordingly, this petition for removal is timely.

3. This Court has removal jurisdiction over this case because this is a civil action with original jurisdiction in the federal courts, pursuant to 28 U.S.C. §§ 1331 and 1441(a). pursuant to 28 U.S.C. §§ 1331 and 1441(a). Plaintiff brings claims against Defendants pursuant to: (1) Title VII of the Civil Rights Act of 1964 and 1991, as amended, 42 U.S.C. §§ 2000e et seq. for alleged employment discrimination and retaliation; and (2) 42 U.S.C. §§ 1981 and 1983 for alleged deprivation of due process. Plaintiff further alleges that he is entitled to recover equitable and other relief pursuant to federal law. Accordingly, these are claims “arising under the Constitution, laws, or treaties of the United States,” over which the Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331.

4. Removal of this action to this Court is proper under 28 U.S.C. § 1446(a), because it is located in the District and Division where the State Court action was pending.

5. A copy of this Notice of Removal will be filed with the Clerk of Court for the Superior Court of Guilford County, North Carolina, and served on Plaintiff through counsel. A copy of said Notice of Removal to Federal Court is attached as Exhibit 3 to this Petition.

WHEREFORE, Defendants respectfully request that the above action now pending in the Superior Court of Guilford County, North Carolina, General Court of Justice, be removed to this Court.

This the 16th day of December, 2020.

HARTZOG LAW GROUP LLP

/s/ Katherine Barber-Jones

KATHERINE BARBER-JONES

N.C. State Bar No. 44197

Email: kbarber-jones@hartzoglawgroup.com

1903 N. Harrison Avenue, Suite 200

Cary, North Carolina 27513

Telephone: (919) 670-0338

Facsimile: (919) 714-4635

Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that this day the foregoing *Petition for Removal* was served on the following parties to this action by: electronic mail and by depositing a copy in the custody of the U.S. Mail, postage prepaid, addressed as follows:

Nancy P. Quinn
315 Spring Garden Street, Suite 1D
Greensboro, NC 27401
Email: npquinn@triadbiz.rr.com
Attorneys for Plaintiff

This the 16th day of December, 2020.

HARTZOG LAW GROUP LLP

/s/ Katherine Barber-Jones
KATHERINE BARBER-JONES
N.C. State Bar No. 44197
Email: kbarber-jones@hartzoglawgroup.com
1903 N. Harrison Avenue, Suite 200
Cary, North Carolina 27513
Telephone: (919) 670-0338
Facsimile: (919) 714-4635
Attorneys for Defendant